B5

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,926	06/25/2001	John Ruckart	60027.0003US01/BS00376	9717

23552 7590 12/28/2004

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER	
GAUTHIER, GERALD	

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/888,926	RUCKART, JOHN	
	Examiner	Art Unit	
	Gerald Gauthier	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 October 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6 and 8-20* is/are rejected.

7)☒ Claim(s) *7* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/12/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/25/2004 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claim(s) 1, 3-5, 8 and 10-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bull et al. (US 6,498,841 B2) in view of Lim (US 5,265,145).

Regarding **claim(s) 1**, Bull discloses a method of providing audio caller identification (column 1, lines 14-16), comprising the steps of:

receiving a call, the call being associated with a directory number (column 6, lines 17-24) [The SSP 202 receives the call and generates a query which includes a calling party identification];

querying a database for caller identification information wherein the caller identification information comprises at least one of the directory number associated with the call and a name associated with a calling party (column 7, lines 12-18) [The SSP 202 generates a query to the SCP 206 for the Caller ID information, the SN/IP 212 looks up the calling party's name in the caller identification with name database];

sending the caller identification information to a caller identification device (column 8, lines 10-15) [The system rings the called communication station 222 and provides the caller identification information to the CPE]; and

synthesizing and playing an audio message related to the caller identification information associated with the call and contemporaneously displaying the caller identification information associated with the on the caller identification device, wherein the audio message is stored by the telecommunications network (column 8, lines 58-65) [The audible caller identification information is produced by the text-to-speech module 216 and provided to the called station 222 when the call is answer and the caller identification information is displayed at the called station CPE].

Bull discloses transmitting audible caller identification to the called station but fails to disclose synthesizing a caller identification device and contemporaneously displaying caller identification.

However, Lim teaches synthesizing a caller identification device and contemporaneously displaying caller identification (column 3, lines 5-15) [The CPU 8 receives the caller identification information and speaks the name of the caller while displaying the name].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Bull using the telephone station as taught by Lim.

This modification of the invention would offer the capability of synthesizing a caller identification device and contemporaneously displaying caller identification so that the called party would listen to the name of calling party prior to answer the call.

Regarding **claim(s) 3**, Lim teaches the step of sending the caller identification information to a caller identification device includes ringing a telephone to which the caller identification device is functionally connected (column 2, lines 33-51);

wherein playing the recorded audio message and contemporaneously displaying the caller identification information associated with the call includes suspending ringing the telephone while playing the recorded audio message (column 3, lines 5-28); and

wherein synthesizing and playing an audio message related to the caller identification information associated with the call, and contemporaneously displaying the caller identification information associated with the call includes suspending ringing the telephone while playing the audio message (column 3, lines 5-28).

Regarding **claim(s) 4, 12 and 20**, Bull discloses the audio message is played over a speaker functionally connected to the caller identification device (column 8, lines 58-65).

Regarding **claim(s) 5**, Bull and Lim disclose all the limitations of **claim(s) 5** as stated in **claim 1**'s rejection and furthermore Bull discloses a switch (SSP 202 on FIG. 2), a query module (SCP 206 on FIG. 2), an intelligent routing module (SN/IP 212 on FIG. 2) and a database of caller identification information (Database 214 on FIG. 2).

Regarding **claim(s) 8**, Bull and Lim disclose all the limitations of **claim(s) 8** as stated in **claim 1**'s rejection and furthermore Bull discloses a software module (column 2, line 60 to column 3, line 4) [The second computer readable program code 112 transmits the audible call information to the called party].

Regarding **claim(s) 10**, Bull and Lim disclose all the limitations of **claim(s) 10** as stated in **claim 1**'s rejection and furthermore Bull discloses saving a recorded audio message associated with a directory number (column 7, lines 4-11) [the audible caller identification information is stored at the database associated with the calling number].

Regarding **claim(s) 11**, Lim teaches causing the party caller identification device to play the recorded audio message and contemporaneously display the caller identification information associated with the call comprises causing the called party

caller identification device to suspend ringing the telephone while playing the recorded audio message (column 3, lines 5-15).

Regarding **claim(s) 13**, Bull discloses the network comprises an Advanced Intelligent Network (column 4, lines 4-11).

Regarding **claim(s) 14**, Bull discloses the query module is a service control point in the advanced intelligent network (column 3, lines 62-67).

Regarding **claim(s) 15**, Bull discloses the intelligent routing module is a service node in the advanced intelligent network (column 3, lines 62-67).

Regarding **claim(s) 16**, Bull discloses the telecommunications network is an advanced intelligent network and wherein the audio message is stored in a service node in the advanced intelligent network (column 3, lines 62-67).

Regarding **claim(s) 17**, Bull discloses sending the caller identification information to a caller identification device includes ringing a telephone to which the caller identification device is functionally connected (column 8, lines 10-15).

Regarding **claim(s) 18**, Bull discloses playing the recorded audio message and contemporaneously displaying the caller identification information associated with the

call includes suspending ringing the telephone while playing the recorded audio message (column 8, lines 22-30).

Regarding **claim(s) 19**, Lim teaches synthesizing and playing an audio message related to the caller identification information associated with the call, and contemporaneously displaying the caller identification information associated with the call includes suspending ringing the telephone while playing the audio message (column 3, lines 5-15).

4. **Claim(s) 2, 6 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bull in view of Lim and in further view of Pelletier et al. (US 6,608,891 B1).

Regarding **claim(s) 2, 6 and 9**, Bull and Lim as applied to **claim(s) 1, 5 and 8** above differ from **claim(s) 2, 6 and 9** in that it fails to disclose if the directory number associated with the call does not match the directory number associated with the recorded audio message, then synthesizing and playing an audio message related to the caller identification information associated with the call.

However, Pelletier teaches prior to synthesizing and playing an audio message, saving a recorded audio message associated with the directory number (column 7, lines 33-49);

comparing the directory number associated with the call with the directory number associated with the recorded audio message (column 7, lines 7-32);

if the directory number associated with the call matches the directory number associated with the recorded audio message, playing the recorded audio message and displaying the caller identification information associated with the call (column 8, lines 28-52); and

if the directory number associated with the call does not match the directory number associated with the recorded audio message, then synthesizing and playing an audio message related to the caller identification information associated with the call (column 8, lines 46-52).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the CID unit where caller information can be displayed and synthesized to audibly output the information to the called party of Pelletier in the SN/IP of Bull.

The modification of the invention would offer the capability of the CID unit where caller information can be displayed and synthesized to audibly output the information to the called party such as the system would provide an information service for the subscriber quickly obtain the desired information.

Allowable Subject Matter

5. **Claim(s) 7** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments with respect to **claims 1-20** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GERALD GAUTHIER
PATENT EXAMINER

g.g.

December 24, 2004

JACK CHIANG
PRIMARY EXAMINER